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അസാധാരണം
EXTRAORDINARY

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SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. KLS/7618/2025-Legin2. *Dated, Thiruvananthapuram, 16th September, 2025*

THE KERALA SOCIETIES REGISTRATION BILL, 2025 together with the Statement of Objects and Reasons, the Financial Memorandum and the Memorandum regarding Delegated Legislation is published under Rule 69(5) of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

DR. N. Krishna Kumar,
Secretary.

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Fifteenth Kerala Legislative Assembly
Bill No. 266

[Translation in English of "2025-ലെ കേരള സംഘങ്ങൾ രജിസ്ട്രേഷൻ ബിൽ" published under the authority of the Governor.]

THE KERALA SOCIETIES REGISTRATION BILL, 2025

A
BILL

to co-ordinate the laws relating to the registration of artistic, literary, scientific, education, charitable and sports societies and to register societies for the promotion of artistic, literary, scientific, education, charitable and sports activities, the dissemination of useful knowledge and for the promotion of natural resources and scarce infrastructure in the State of Kerala and for matters connected therewith or incidental thereto;

Preamble.— WHEREAS, it is expedient to co-ordinate the laws relating to the registration of artistic, literary, scientific, education, charitable and sports societies and to register societies for the promotion of artistic literary, scientific, education, charitable and sports activities, for the dissemination of useful knowledge and for the promotion of natural resources and scarce infrastructure in the State of Kerala and for matters connected therewith or incidental thereto;

BE it enacted in the Seventy-sixth Year of the Republic of India as follows:-

Chapter I
PRELIMINARY

1. *Short title and commencement.*— (1) This Act may be called the Kerala Societies Registration Act, 2025.

(2) It shall come into force on such date as the Government may by notification in the Gazette, appoint.

2. Definitions.— In this Act, unless the context otherwise requires,-

(a) "administrator" means administrator appointed as per section 39 of the Act;

(b) "governing body" means the committee or the administrators, directors or any other body entrusted with the management of the society under its rules and regulations;

(c) "Government" means the Government of Kerala;

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(d) “Inspector of societies” means such officer as the Government may, by notification in the Gazette, appoint for such area as may be specified in the notification for the purpose of performing the duties and functions of Inspector of societies under this Act, and where no such officer is appointed, the Registrar, shall be the Inspector of societies;

(e) “member” means a person who having been admitted in the membership of a society in accordance with the rules, regulations and bye-laws thereof, have signed in the roll for payment of subscription and not resigned or removed in accordance with such rules, regulations or bye-laws.

Explanation.— No person be entitled to vote in the proceedings under this Act and whose subscription is in arrears for a period exceeding three months shall not be deemed to be a member;

(f) “memorandum of association” means memorandum of association of the societies as per section 6 of this Act;

(g) “prescribed” means prescribed by rules made under this Act;

(h) “Registrar” means an officer as the Government may, by notification in the Gazette, appoint for such area as may be specified in the notification for the purpose of performing the duties and functions of a Registrar under this Act, and if where no such officer is appointed, the Inspector General of Registration shall perform the duties of the Registrar;

(i) “Inspector General of Registration” means an officer appointed as per section 3 of the Registration Act, 1908 (Central Act 16 of 1908);

(j) “society” means a society registered or deemed to be registered under this Act;

(k) “year” means the year beginning on the 1st day of January and ending on the 31st day of December or in case of any society or any class of societies, with the prior permission of the Registrar, the year starting and ending on such date if their accounts are fixed to any other date;

CHAPTER - 2

REGISTRATION OF SOCIETIES

3. *Societies to which the Act applies*.— Societies may be registered under this Act, including those for the following purposes, and if their profit of other income arise, which are intended to promote their such objectives and which are not pay any dividends or not distribute any income or profits among their members, namely:—

(i) for the promotion of charity;

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(ii) for the promotion of education, culture, science, literature or arts;

(iii) for the promotion of sports;

(iv) to impart and advance knowledge relating to commerce and industry and any other useful knowledge;

(v) to establish and maintain library or reading rooms or public museum, art galleries and other art institutions for the general use of members or the general public;

(vi) for the promotion and conservation of natural resources, land, energy, water, forest and other scarce infrastructure as may be notified by the Government from time to time;

(vii) for the collection of natural history, mechanical or philosophical inventions, instrument or designs;

4. *Condition for registration*.— No society, other than one which Government is a member, shall be registered unless it has atleast seven members who has completed the age of eighteen years and the members shall be Indian citizens.

5. *Manner of formation of societies*.— Subject to the provisions of section 4, the members who associate or come together for any purpose specified in section 3, may form a society including their names in the memorandum of association and taking steps for registration in accordance with the provisions of this Act and the rules made thereunder.

6. *Memorandum of Association*.— (1) The memorandum of association of every society shall contain the following particulars, namely:—

(i) name of the society;

(ii) the objects of the society;

(iii) area of operation of the society;

(iv) the name, address and occupation of the members of the governing body, committee, directors or members of the governing body for carrying out its affairs as per the rules, and Government approved identification card number;

(v) the place at which the registered office of the society is situated.

(2) The rules and regulations of the society, which shall include provisions regarding admission of members, its general meetings, proceedings at such meetings including their voting, governing body and

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proceedings of meetings of the governing body, shall be registered along with the memorandum of association.

(3) The memorandum and rules and regulations of the society shall be printed or typed, be divided into paragraphs and consecutively numbered and each member of the memorandum shall include his address, description, age and occupation, if any, and shall sign in the presence of at least one witness and the witness shall attest signature of such persons and shall also include his address, description and occupation, if any.

7. S*ocieties not to be registered with undesirable names*.— No society be registered in a name which, in the opinion of the Registrar, is undesirable or a name which resembles the names of a society already registered.

8. *Registration of societies*.— (1) For registration, the memorandum of association and rules and regulations of the society shall be submitted to the Registrar along with application and fee as may be prescribed.

(2) If the Registrar is satisfied that all the provisions of this Act and the rules made thereunder have been complied with, he shall keep the memorandum of association and the rules and regulations, and register the society with in seven days affix his signature and seal certifying that the society is duly registered, and issue a Certificate of Registration.

(3) If the Registrar refuses to register the society, the said matter shall be intimated within thirty days and an appeal may be filed before the Registration Inspector General against the said order within sixty days from the date of receipt of such intimation:

Provided that in case where no such appeal is filed, on satisfying the reasonable cause, by condoning the delay, the Appellate Authority may have the power to extend the period of appeal not exceeding thirty days.

9. *Validation for existing societies*.— All societies registered or deemed to be registered under the Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act,1955 (12 of 1955) or under the Societies Registration Act, 1860 (Central Act 21 of 1860) and have valid registration for the time being by filing return in time on the date of commencement of this Act, shall be deemed to be registered under this Act:

Provided that, in case any society which has not filed return in time, on the date of commencement of this Act, the Government may, by notification, specify the period in which it is to be filed.

10. *Registered office of society*.— (1) A society shall, within twenty one days from the date of its registration, have a registered office, to which all communications and notices to be addressed.

(2) The governing body of the society shall inform the Registrar of the location of the registered office and any change thereto, as the case may be, within twenty one days from the date of registration of the

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society or from the date of such change, and the Registrar shall record the same.

(3) If the governing body of a society fails to comply with the provisions of this section, such governing body shall be liable to pay a fine, not less than one thousand rupees which may extend to ten thousand rupees.

11. *Amendment of Memorandum of Association*.— (1) The governing body of the society shall, if it deems fit, circulate to the members the proposal as a report, as may prescribed, to amend the memorandum of association, shall convene a special general meeting of the society in accordance with the rules and regulations to consider the said amendment:

Provided that no such amendment proposal shall be deemed to be approved unless, notice has been delivered or sent by post to every members twenty one days prior to the special general body meeting convened for the consideration thereof, and three-fourths of the members who are entitled to vote are present in person or where proxies are allowed, by proxy, and confirmed by the majority of their votes, and confirmed by a similar majority at a second special general meeting convened thirty days after such meeting.

(2) Every amendment to the memorandum of association approved as per sub-section (1) shall be submitted to the Registrar within thirty days from its approval, and if the Registrar is satisfied that such amendment is in conformity with the provisions of this Act and the rules made thereunder, and may be filed on payment of such fee, as may be prescribed, and such amendment shall take effect from the date of filing:

Provided that no such amendment shall have effect unless it is so filed:

Provided further that, if the Registrar is satisfied that there is reasonable cause for non filing of such amendment in time, it shall be filed by paying the prescribed fine not exceeding one thousand rupees along with fees.

(3) If the filing of an amendment to the memorandum of association under sub-section (2) is refused, an appeal may be filed before the Inspector General of Registration within sixty days from the date of the intimation of refusal:

Provided that in case where no such appeal is filed, on satisfying the reasonable cause, by condoning the delay, the Appellate Authority may have the power to extend the period of appeal not exceeding thirty days.

(4) A revision may be filed before the Government against the order of refusal of the Inspector General of Registration within thirty days from the date of receipt of the notice of refusal.

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(5) The Government may on its own motion, where there is no appeal filed under sub-section (3) or on an order passed by the Inspector General of Registration in disposal of an appeal, pass an appropriate order.

12. *Amendment of rules and regulations*.— (1) The provisions of the rules and regulations of a society, may be amended by a resolution passed by a special meeting convened for that purpose of which notice, as may be prescribed, shall be given to every member of the society, twenty one days prior to the date of such meeting:

Provided that no such resolution shall be deemed to be approved unless, three-fourths of the total members who are entitled to vote are present in person or where proxies are allowed, by proxy, and confirmed by simple majority of their votes.

(2) Every resolution for amendment passed under sub-section (1) shall be filed before the Registrar within thirty days from the date of its passing and if the Registrar is satisfied that such amendment is in conformity with the provisions of this Act and the rules made thereunder, the amendment may be filed on payment of the fees, as may be prescribed, and it shall take effect from the date of filing:

Provided that no such amendment shall have effect, unless it is so filed:

Provided further that, if the Registrar is satisfied that there is reasonable cause for non filing of such amendment in time, it shall be filed by paying the prescribed fine not exceeding one thousand rupees along with fees.

(3) If the filing of an amendment as per sub-section (2) is refused by the Registrar, an appeal may be filed by the aggrieved person before the Inspector General of Registration within sixty days from the date of intimation of such refusal.

(4) Where no such appeal is filed, on satisfying the reasonable cause, by condoning the delay, the Appellate Authority may have the power to extend the period of appeal not exceeding thirty days.

(5) A revision may be filed before the Government against the order of refusal by the Inspector General of Registration within thirty days from the date of receipt of the notice of refusal.

(6) The Government may on its own motion, where there is no appeal filed under sub-section (3) or on an order passed by the Inspector General of Registration in disposal of an appeal, pass an appropriate order.

13. *Vesting of property of society*.-— The property, movable - immovable, belonging to a society registered under this Act, if not otherwise provided shall be deemed to be vested in the governing body and in all proceedings civil and criminal, may be described as the property of the governing body of such society by

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their proper title.

14. *Society to keep a register of members*.— (1) Every society shall keep a register of its members wherein the following particulars are entered namely:-

(a) name, address and occupation of the members;

(b) date of receipt of membership;

(c) date of cessation of membership.

(2) On default of complying with the requirements of the provisions of this section, the governing body shall be liable to pay the fine not exceeding one thousand rupees, as may be prescribed.

CHAPTER - 3

GENERAL MEETING AND FILING OF RETURNS

15. *General Meeting*.— (1) Every society registered under this Act shall convene an annual general meeting in each year and the annual working report, audited balance sheet, income and expenditure accounts and audit report for the previous year in respect of the management of the society shall be submitted for approval:

Provided that Registrar may on satisfaction of the special cause submitted by the governing body extend the period for convening an annual general meeting for a further period of six months on receipt of such fee as may be prescribed:

Provided further that, except the case mentioned above, the period between two annual general meeting shall not exceed fifteen months.

(2) At the annual general meeting so held, elections to the governing body shall be conducted as may be provided in the rules and regulations of the society and the governing body shall consist of atleast three members.

(3) The list of members of the first governing body of the society shall be filed with the Registrar within twenty one days of its registration and thereafter within twenty one days of the date of holding the annual general meeting, the list of the governing body and the audited accounts shall be filed:

Provided that for any reason, the list of governing body or the audited statement of income and expenditure is not filed in time, the same may be filed along with an amount of fine not exceeding one thousand rupees, as may be prescribed.

(4) Every society shall keep a record of all the proceedings of the general meeting in a book kept for

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that purpose and such minutes shall be signed by the President or Chairperson of the meeting.

(5) The President or Chairperson of the governing body shall, on the requisition of one-tenth of the total members having voting right of the society in writing of the matter for which they are convening the meeting shall, within ten days of the receipt of such requisition in writing, take steps to call a meeting duly convened on a day for the purpose of considering the same for any reason whatsoever and in any case such meeting shall not exceed forty days from the date of receipt of such demand in writing.

16. *Condonation of delay*.— Delay in filing of documents, annual statement of accounts or list of members of a society may be condoned by payment of fine for each year on such amount as the Government may from time to time specify by order condone the delay in submission of any or all of them and such documents may be regularised.

17. *Filing of returns etc. through electronic system.*— The Government may require the societies registered under this Act to file the returns, forms and other documents to be filed under this Act through electronic system in such manner, as may be prescribed.

18. *Books of Accounts and Audit*.— (1) The governing body of every society shall keep at the registered office of the society or at any other place within the jurisdiction of the Registrar of society, as the governing body thinks fit, proper books of accounts with respect to,—

(a) all sums of money received and expended by the society and the matters in respect of which the receipt and expenditure takes place;

(b) all sales and purchases by the society; and

(c) the assets and liabilities of society.

(2) On default of complying with the provisions of sub-section (1), every member of the governing body, who has knowingly by his act or omission, cause such default, shall be liable to pay a fine not exceeding one thousand rupees, as may be prescribed.

(3) The accounts of every society shall be audited once in every year by a duly qualified auditor and a balance sheet and income and expenditure statement prepared and certified by him:

Provided that in the case of societies, whose annual income is less than one lakh rupees, the accounts may be audited by a member other than a member of the governing body.

(4) In the case of a society, the accounts of which are made up with the previous sanction of the

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Registrar to any date other than 31st December, the first balance sheet and income and expenditure accounts of such society after such previous sanction is accorded shall, for the purposes of sub-section (2) for such period as the Registrar may specify in the order according previous sanction.

Explanation.— For the purposes of this section, "a duly qualified auditor" means a Chartered Accountant within the meaning of the Chartered Accountants Act, 1949 (Central Act 38 of 1949).

19. *Balance Sheet and annual list of governing body to be filed with Registrar*.— Within twenty one days of each annual general body meeting of a society there shall be filed with the Registrar a list of names, addresses and occupation of the members of the governing body entrusted with the management of the affairs of the society and a copy of the balance sheet and income and expenditure account certified by the auditor under section 18:

Provided that, for any sufficient reason if a society has not filed the list of members of governing body and a copy of balance sheet and income and expenditure account within twenty one days of annual general body meeting of the society, it may make an application to the Registrar to condone the delay and permit to file the records, and the Registrar may, if he is satisfied that there are sufficient cause for the delay in filing such records, condone the delay and permit the society by order to file such records subject to payment of fine, as may be prescribed, and where no sufficient reasons are shown, he may, after giving an opportunity of being heard to the society, reject the application and return such records to the society:

Provided further that, where a society has failed to file such records for a consecutive period of five years, the Registrar may, after giving a reasonable opportunity of being heard to the society, pass an order cancelling the registration or allow to continue operation of such society and in the case of dissolution of the society, and thereupon the assets of the society shall be distributed, and the liabilities discharged in the same manner as if the society had been dissolved under section 30.

Explanation.— For the purpose of this proviso, where the application filed by a society to condone the delay in filing records for any year is rejected and the records are returned under the first proviso, such society shall be deemed to have failed to file records for that year.

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CHAPTER - 4

SUIT AND RELATED MATTERS

20. *Suits by and against societies*.— Every society registered under this Act may sue or be sued in the name of the President, Chairperson or Secretary as shall be determined by the rules and regulations of the society or in the name of such person or office bearer as shall be appointed by the governing body.

21. *Suits not to abate*.— No suit or proceedings by or against a society in any civil court shall abate or discontinue by reason of the person by or against whom such suit or proceedings shall have been brought or continued, dying or removed from position in the proceeding whereof he shall have sued or been sued, but the same suit or proceeding shall be continued in the name of the successor of such person.

22. *Enforcement of judgment against society*.— (1) If a judgment is passed against the person or officer named on behalf of the society, such judgment shall not be enforced against the person or property, movable or immovable, of such person or officer, but against the property of the society.

(2) The application for execution shall setforth the judgment, the fact of the party against whom it shall have been passed having sued or having been sued, as the case may be, on behalf of the society and shall require to have the judgment enforced against the property of the society.

23. *Recovery of penalty accruing under bye-law*.— Whenever by any bye-law duly made in accordance with the rules and regulations of the society, or, if the rules and regulations do not provide for the making of bye-laws, by any bye-law passed at a general meeting of the members of the society convened for the purpose by a majority of not less than three-fourth of the members present at such meeting any pecuniary penalty is imposed for the breach of any rule or bye-law of the society, such penalty, when accrued, may be recovered in any court having jurisdiction where the defendant reside, or the society situate, as the governing body thereof shall deem fit.

24. *Members liable to be sued*.— Any member who may be in arrear of a subscription which, according to the rules of the society he is bound to pay, or who shall possess himself of, or detain, any property of the society, in any manner, or for a time, contrary to such rules, or shall damage or destroy any property of the society, may be sued for such arrear, or for the damages accruing from such detention, injury or destruction of property in the manner herein before provided.

25. *Members guilty of offences punishable as strangers*.— Any member of the society who steal any

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money or other property or wilfully and maliciously destroy or injure any property of such society or forge any deed, bond, security for money, receipt or other instrument, whereby the funds of the society may be exposed to loss, shall be subject to the same prosecution and if convicted shall be liable to be punished in like manner, as any person not being a member would be subject and liable to in respect of the like offence.

CHAPTER - 5

AMALGAMATION AND DISSOLUTION OF SOCIETIES

26. *Procedure for amalgamation of societies*.— (1) Whenever it appear to the governing body of the society registered under this Act, which has been established for any particular purpose, that it is advisable to alter, extend or abridge such purpose to or for other purposes, subject to the provisions of this Act, or to amalgamate such society, with any other society, such governing body may submit the proposition to the members of the society in a written or printed report, and may convene a special general body meeting for the consideration thereof according to the rules and regulations of the society.

(2) No such proposition under sub-section (1) shall be deemed to have been approved unless, such report shall have been delivered or sent by post to every member of the society in the manner, as may be prescribed, twenty one days prior to the date of the special general body meeting convened by the governing body for the consideration thereof, and such proposition shall have been agreed to by the votes, cast in person in favour of the proposition by members who being entitled to do so, or where proxies are allowed, by the proxy and such votes are not less than three fourth of the number of votes, if any, cast against the proposition by members so entitled and voting and confirmed.

27. *Power to call for accounts and inspection of books etc*.— (1) The Government or the Registrar shall call upon the society to submit accounts of income and expenditure and of the assets and liabilities of the society for any period. The Registrar in cases where the Government directed to do so or on the direction of the Registrar, the Inspector of the society shall periodically examine the accounts and other books of the society and submit to the Government or the Registrar a report on the result of such inspection, as may be prescribed. The inspecting officer may enter any of the premises of the society and the governing body and the servants of the society shall furnish him with all information he may call for and shall also render him all the assistance necessary to enable him to conduct the examination and make the report and to produce before the officer so deputed all books and documents in their custody or authority relating to the society and to answer any question

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relating to the affairs of the society.

(2) Whenever the inspecting officer, has reason to believe that the accounts or other books and documents of the society are witheld without sufficient cause, he may after recording the reason and grounds of his belief, enter and search any place or may seize any such account books or documents.

(3) The Government may, for the efficient and better management of the society, review the report submitted under sub-section (1) and pass such orders, as they deem fit, other than those referred to in clauses (a) to (c) of sub-section (1) of section 32.

28. *Power to fine any member of the governing body or servant of the society and dismiss him for disobedience*.— (1) The Government may impose a fine on any member of the governing body or servant of the society who wilfully or consciously disobeys any order passed by them under section 27, shall be liable to pay a fine not exceeding one thousand rupees, as may be prescribed, and the said member or servant fails to carryout the said order within two weeks from the date of receipt by him of the order imposing the fine, the Government may dismiss him. The governing body of the society shall be bound to give effect to the order passed by the Government under this section and any failure on their part to give effect to such order such governing body shall be liable to pay fine under this section.

(2) The person dismissed under sub-section (1) shall be disqualified to be elected or nominated as a member of the governing body for a period of five years from the date of such removal unless the disqualification is removed by the Government.

29. *Vacancy to be filled up in accordance with the rules and regulations of the society*.— In cases in which member of the governing body is removed under section 28, the vacancy shall be filled up in accordance with the rules and regulations of the society.

30. *Dissolution of societies and management of their affairs*.— Not less than three-fourths of the the total members of the society may determine that the society shall be dissolved, and thereupon it shall be dissolved forthwith or at the time agreed upon, and all necessary steps shall be taken for the disposal and settlement of the property of the society, its claims and liabilities, according to the rules of the said society applicable thereto, if any, and if not, then as the governing body shall find expedient and the details thereon shall be filed before the Registrar along with related documents in thirty days:

Provided that, in the event of any dispute arising among the said governing body or the members of the

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society regarding the management of its affairs shall be referred to the Civil Court of original jurisdiction of the district in which the registered office of the society is situate, and the same shall be disposed by the order of the court:

Provided further that no society shall be dissolved unless three-fourth majority of the members, by their votes cast in person, or where proxies are entrusted, by proxy, at a special general body meeting convened for the purpose:

Provided also that whenever the Government is a member of or a subscriber to, or otherwise interested in, any society registered under this Act, such society shall not be dissolved without the sanction of the Government.

31. *Upon dissolution, no member to receive profit*.— (1) If upon the dissolution of any society there shall remain any property, whatsoever, after the satisfaction of all its debts and liabilities, on the basis of mutual agreement or conditions or for utilizing for the purpose of section 3, the same be given to the Government and shall be decided upon the majority of members by their votes cast in person or where proxies are allowed, by proxy at the time of dissolution.

(2) Any society registered under this Act, there shall remain any property after the satisfaction of all its debts and liabilities, the same shall not be paid to, or distributed among the members of the said society or any of them, and shall be given to some other society which for objects, furtherance of aims similar as far as may be to the object of the dissolved society to be determined by the voters not less than three-fourth majority of the members present, personally or where proxies are allowed, by proxy at the time of dissolution or in default thereof, by the decision of the Civil Court of original jurisdiction.

32. *Application to court for dissolution, framing a scheme or appointing new general body etc*.— (1) When an application is made by the Government or ten per cent of the members on the rolls of a society to the District Court within the jurisdiction of which the society is registered for framing a scheme, for better administration or for appointing a new governing body or dissolution of the society, the court may, after enquiry and on being satisfied that, it is just and equitable, pass any of the following orders:—

(a) removing the existing governing body and appointing a new governing body; or

(b) framing a scheme for the better and efficient management of the society; or

(c) dissolving the society.

(2) Where the application under sub-section (1) is submitted by the members of the society, the

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applicant shall deposit in the court along with the application a sum, as may be prescribed, as security and costs.

33. *Inspection of documents*.— Any person may inspect all documents filed with the Registrar under this Act on payment of such fee, as may be prescribed, and any person may require a copy of extract of any document or any part of any document to be certified by the Registrar, on payment of such fee, as may be prescribed, and such certified copy shall be prima facie evidence of the matters therein contained in all legal proceedings whatever.

CHAPTER - 6

ENQUIRY AND PROCEDURE OF REGISTRAR

34. *Registrar to maintain a register of societies*.— (1) The Registrar shall maintain a register of societies which shall be entered the name of every society, full office address registered, the date of its registration and the details of the document filed in pursuance of the provisions of this Act.

(2) The memorandum and all other documents relating to each society shall be kept separately in the manner, as may be prescribed.

(3) Where the Registrar has reasonable cause to believe that a society is not functioning, he shall sent to the registered office of and not less than two members of the office bearers of society by post a registered letter inquiring whether the society is functioning.

(4) If the Registrar either receives an answer from society to the effect that it is not functioning or does not receive any answer within one month after sending the letter referred to in sub-section (3), the same shall be published in the Gazette and sent to the society by post a registered notice that at the expiration of three months from the date of that notice, the name of the society mentioned therein will be removed, unless cause is shown to the contrary, be struck off from the register as defunct.

35. *Enquiry by the Registrar*.— (1) The Registrar may, suo motu or on the application of the majority of the members of the governing body or of not less than one-third of the members of the society, hold an enquiry on the functioning of the society directly or by entrusting an officer not below the rank of Sub Registrar by order in writing.

(2) The Registrar or the person authorised by him under sub-section (1) shall have the following powers,—

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(i) he shall, at all reasonable times, have free access to the books, accounts, documents, deposits, cash and other properties belonging to or in the custody of the society and may summon any person in possession or responsible for the custody of any such books, accounts, documents, deposits, cash or other properties to produce the same at any place at the headquarters of the society or any branch thereof;

(ii) he shall summon any person who, he has reason to believe, has knowledge of any of the affairs of the society to appear before him at any place at the headquarters of the society or any branch thereof and may examine such person on oath;

(iii) he may notwithstanding anything contained in this Act or in any rule or regulation prescribing the period of notice for a general meeting of the society, require the governing body of the society to call a general meeting at such time and place at the headquarters of the society or any branch thereof.

(3) If the governing body of the society refuses or fails to call a meeting, the Registrar or the person referred to in sub-section (2) shall have the power to call it himself and any meeting so called shall have all the powers of a general meeting called under the rules and regulations of the society and its proceeding shall be regulated by such rules or regulations.

(4) When an enquiry is made under this section, the Registrar shall communicate the report of the enquiry to the society concerned, and the society shall act accordingly if the Registrar had directed any action on the report.

36. *Powers of the Inspector of society*.— The Inspector of society shall have the following powers, —

(i) for monitoring the functions of the society;

(ii) to conduct enquiry;

(iii) to summon any person who, he has reason to believe, has knowledge of any of the affairs of the society to appear before him at any place at the headquarters of the society or any branch thereof or at the office of the Registrar of the society and may examine such person on oath;

(iv) to inspect the accounts and balance sheet of the society and to furnish report thereof.

37. *Recovery of loss due to the society*.— (1) Where in the course of an enquiry under section 35, it appears that any person who had taken part in the affairs or management of the society or any past or present President, Chairperson, Secretary, other office bearers, member of the governing body, officer or any employee

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of the society has misappropriated or retained or create liability for any money or property of the society, or has been guilty of misfeasance or breach of trust in relation to the society, the Registrar may, on a report received from the officer or on an application received from the governing body of the society or of his own motion, examine into the conduct of such person and after giving reasonable opportunity to the person concerned to submit his explanation, pass an order requiring him to repay or restore the money or property or any part thereof, as the case may be, with interest at such rate as the Registrar thinks fit or to contribute such sum to the assets of the society by way of compensation as regard to the misappropriation, retain, misfeasance or breach of trust as the Registrar thinks fit.

(2) The order of the Registrar under sub-section (1) shall be final unless it is set aside by the Registration Inspector General on an appeal filed before him within sixty days from the date of communication of the order.

(3) Any person aggrieved by an order of rejection of appeal by the Registration Inspector General under sub-section (2) may file a revision before the Government within thirty days of the intimation of such rejection:

Provided that in case where no such appeal is filed on satisfying the reasonable cause, by condoning the delay, the Appellate Authority may have the power to extend the period of appeal not exceeding thirty days.

(4) The Government may on its own motion, where there is no appeal filed under sub-section (2) or revision filed under sub-section (3), pass an appropriate order.

(5) Any sum ordered under this section to be remitted to a society or recovered as a contribution to its assets may on a requisition being made in this behalf by the Registrar, be recovered by the Kerala Revenue Recovery Act, 1968 (15 of 1968) in the same manner as arrears of land revenue.

38. *Cancellation of Registration and dissolution of certain societies.*— (1) If it appears to the Registrar that, any society registered or deemed to be registered under this Act, is carrying on any unlawful activity or allows unlawful activity to be carried on within any premises under the control of the society, the Registrar may hold an enquiry or authorize any officer to hold an enquiry into the activities of such society and obtain a report and while holding such an enquiry, the Registrar or the authorized officer shall have the same powers as are specified in item (ii) of section 36.

(2) If on an enquiry under sub-section (1), the Registrar is satisfied that any such society has been

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carrying on any unlawful activity or has allowed any unlawful activity to be carried on within any premises under the control of the society, he shall, after giving a notice to the society to show cause why the registration of the society should not be cancelled after allowing 30 days time to filing explanation, by order cancel the registration of the society and direct dissolution of the society, and thereupon the assets of the society shall be distributed, and the liabilities discharged, in the same manner as if the society had been dissolved under section 30.

(3) An appeal may be filed before the Government against any order passed by the Registrar under sub-section (2), within sixty days from the date of receipt of the order, and the decision on such appeal shall be final.

Explanation.— For the purposes of this section, an activity shall be deemed to be unlawful if such activity is an offence punishable under any provision of law for the time being in force.

39. *Appointment of Administrator*.— (1) Notwithstanding anything in this Act, the Government shall appoint an expert in the field as administrator by order for such period, not exceeding six months, as may be specified in the order, to manage the affairs of the society,—

(a) where any society on account of the pendency of litigation or otherwise has not held or is unable to hold the annual general meeting; or

(b) where the term of office of the members of the governing body of a society has expired and a new governing body has not for any reason been constituted; or

(c) where on a report made by the Registrar or otherwise, on enquiry, the Government considers it necessary in public interest so to do, for such society:

Provided that, before issuing such order, a notice shall be published on the notice board of the Head Office/website of the society demanding to submit any objection to the Government on issuance of such an order within a specified time as mentioned in the notice, and such objections shall be considered:

Provided further that, if the Government is satisfied that the appointment of an administrator is urgent in the public interest the administrator may be appointed by relaxing the above proviso:

Provided also that for reasons to be recorded in writing, the Government may, by order, extend either prospectively or retrospectively, the said period by any further period not exceeding six months at a time, so however subject to the provisions in sub-section (5), the aggregate period shall not extend beyond four years.

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(2) The expenditure incurred by the Government towards salary and allowances of the administrator shall be paid to the Government from the funds of the society:

Provided that Government may considering the public interest and reasons to be recorded, may relax the above provision.

(3) On the appointment of the administrator under sub-section (1) and during the period of such appointment, the governing body of the society shall cease to exercise any power and perform or discharge any function or duty conferred or imposed on it by this Act, or its memorandum of association or the rules and regulations or any other law and subject to any directions which the Government may from time to time issue, all such functions or duties shall be performed or discharged by the administrator.

(4) If the term of governing body will expire before the expiry of the term of appointment of the administrator, the administrator shall, before the expiry of the period of his appointment take necessary steps to conduct elections for the constitution of the elected governing body into power.

(5) If the administrator, for reasons beyond his control, not able to convene the general body meeting to elect the governing body, the administrator shall forthwith report to the Government and the Government may pass such orders as are considered necessary, either extending the period of appointment of the administrator for a further period or if satisfied that public interest so requires, for the dissolution of the society:

Provided that, before issuing such order by the Government a showcause notice shall be published on the notice board of the Head Office/website of the society demanding to submit any objections to the issuance of such an order within a specified time and such objections shall be considered.

(6) The Government may, if it thinks fit, appoint an Advisory Committee expert in the concerned field, in consultation with the administrator to advise and assist the administrator appointed under sub-section (1) in the exercise of the powers and performance and discharge of the duties and functions conferred or imposed on him under this Act. The Advisory Committee shall hold office during the tenure fixed by the Government.

(7) Where an order of dissolution is passed under sub-section (5), the assets, if any, remaining after discharging its liabilities shall vest in the Government.

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CHAPTER - 7

MISCELLANEOUS

40. *Offences and Penalties*.— The President, Chairperson, Secretary or any member who is included or not included in employees, the governing body or any officer of a society who,—

(i) contravenes the provisions of sub-section (1) or sub-section (2) of section 15; or

(ii) wilfully makes or furnishes a false return or makes or furnishes a return or statement which he does not believe to be true; or

(iii) any person wilfully or without any reasonable cause disobeys any summons, requisition or lawfully written order issued under the provisions of this Act or does not furnish any information lawfully required from him by a person authorized in this behalf under the provisions of this Act

shall on conviction, be punished with fine which may extend to one thousand rupees:

Provided that this shall not be a bar to initiate any other legal proceedings under any other laws.

41. *Trial of offences under this Act*.— (1) No court shall try any offence under this Act and action shall be taken except upon a report received from the Registrar, or upon a complaint by any other person with the sanction in writing of the Registrar, or any other authority to whom such Registrar is subordinate, regarding such offence.

(2) On application of the accused and on remittance of the compounding fee as may be prescribed the Registrar shall have the power to compound any offence punishable under the foregoing provisions of this Act and composition shall have the effect of an acquittal of the accused.

42. *Cognizance of offences*.— Magistrate of the First Class Court shall try an offence under this Act.

43. *Power to make rules*.— (1) The Government may, by notification in the Gazette, make rules either prospectively or retrospectively for the purpose of carrying into effect the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly, while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule

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should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

44. *Removal of Difficulties*.— (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Gazette, make provisions not inconsistent with this Act and which appears to it, to be necessary for removing such difficulty:

Provided that no such order shall be made under this Act after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under sub-section(1) shall, as soon as may be, after it is made be laid before the Legislative Assembly.

45. *Repeal and saving*.— (1) The Societies Registration Act, 1860 (Central Act No.XXI of 1860) to the extent to which it is in force in the erstwhile Malabar are referred to in sub-section (2) of section 5 of the State Re-organisation Act, 1956 (Central Act 37 of 1956) shall cease to operate in that area and the Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act, 1955 (12 of 1955) is hereby repealed.

(2) Notwithstanding such cessation of operation or repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under such Acts shall be deemed to have been done or taken under this Act.

STATEMENT OF OBJECTS AND REASONS

At present, there are two enactments namely the Travancore–Cochin Literary, Scientific and Charitable Societies Registration Act, 1955 (Act 12 of 1955) and the Societies Registration Act, 1860 (Central Act XXI of 1860) in force in the State for the registration of literary, scientific and charitable societies. The Act applicable to the Travancore–Cochin area is comparatively better than the Central Act of 1860 which is applicable to Malabar area but still it has several shortcomings. The Central Act is only a framework legislation. When a society fails to file return etc, although action, including fine, can be taken under the 1955 Act, due to lack of stringent provisions in that law and as there is no such provision in 1860 Act and as different laws were applicable to the Malabar area and the Travancore–Cochin area, there has caused practical difficulties in the registration of society.

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In these circumstances, the Government has decided to bring in a comprehensive and uniform law applicable throughout the State, so as to ensure transparency in the functioning of societies, to initiate action for non-filing of returns in time, including any default and to provide for other provisions.

The Bill seeks to achieve the above objects.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any additional expenditure from the Consolidated Fund of the State.

MEMORANDUM REGARDING DELEGATED LEGISLATION

1. Sub-clause (2) of clause 1 of the Bill seeks to empower the Government to notify the commencement of the Act.

2. Item (vi) of clause 3 of the Bill seeks to empower the Government to notify from time to time which all are the scarce infrastructure facilities.

3. Sub-clause(1) of clause 8 of the Bill seeks empower the Government to prescribe the application and fee for the registration of societies.

4. Proviso to clause 9 of the Bill seeks to empower the Government to issue notification specifying the time limit for filing returns by the societies, those who have not filed it at the commencement of the Act.

5. Clause 11 of the Bill, seeks to empower the Government,-

(i) in sub-clause (1) to prescribe the report for the proposal for amending memorandum of association;

(ii) in sub-clause(2) to prescribe the fee for filing amendment and proviso to it prescribe the fine for not filing the amendment in time.

6. Clause 12 of the Bill seeks to empower the Government,-

(i) in sub-clause(1) to prescribe the notice for amending the provision in rules and regulations;

(ii) in sub-clause (2) to prescribe the fee for filing the amendment.

7. Sub-clause (2) of clause 14 empower the Government to prescribe the fine to the governing body, if

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the society fails to maintain register of its members.

8. Clause 15 of the Bill, seeks to empower the Government,-

(i) in proviso to sub-clause(1) to prescribe the fee for extending the time limit for convening annual general body meeting.

(ii) in proviso to sub-clause (3) to prescribe the fine in case where fails to furnish the list of members of the first governing body and audited income and expenditure accounts in time.

9. Clause 16 of the Bill seeks to empower the Government to prescribe the fine for each year for condoning the delay in submitting documents of the society, annual statement or list of members in time.

10. Clause 17 of the Bill seeks to empower the Government to prescribe the manner in which returns, forms and other statement that is to be submitted by the societies under this Act, electronically.

11. Sub-clause (2) of clause 18 seeks to empower the Government to prescribe fine to be paid by each member of the governing body for failure to comply the provisions of sub-clause (1).

12. First proviso to clause 19 of the Bill seeks to empower the Government to prescribe fine to be paid for condoning the delay in filing list of members of governing body and annual balance sheet before the Registrar, and for permitting filing of documents.

13. Sub-clause (2) of clause 26 of the Bill seeks to empower the Government to prescribe notice for the intimation by the governing body, if it is satisfied that it is advisable to alter and extend the purpose of a registered society or to amalgamate with any other society.

14. Sub-clause (1) of clause 27 of the Bill seeks to empower the Government to prescribe the report to be given after examining accounts and other books of the society.

15. Sub-clause(1) of clause 28 of the Bill seeks to empower the Government to prescribe fine that is to be levied on any member of the governing body or employee of the society who fails to comply the orders.

16. Sub-clause (2) of the clause 32 of the Bill seeks to empower the Government to prescribe the amount to be deposited before the court as security and cost, along with the application.

17. Clause 33 of the Bill seeks to empower the Government to prescribe the fee for the inspection of the documents filed with the Registrar and fee for extracting copy of it.

18. Sub-clause (2) of clause 34 of the Bill seeks to empower the Government to prescribe the manner for keeping memorandum and other documents.

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19. Sub-clause (2) of clause 41 of the Bill seeks to empower the Government to prescribe the compounding fee to compound an offence on application of the offender.

20. Sub-clause (1) of clause 43 of the Bill seeks to empower the Government to make rules either prospectively or retrospectively for carrying into effect the purpose of the Act, by Gazette notification.

21. Sub-clause (1) of clause 44 of the Bill seeks to empower the Government to issue orders for the removal of difficulties if any arises in giving effect to the provisions of the Act.

The matters in respect of which rules may be made or notification or orders, may be issued are matters of procedure and are of routine and administrative nature. Further, the rules, are subject to the scrutiny by the Legislative Assembly. The delegation of legislative powers is, thus, of a normal character.

RAMACHANDRAN KADANNAPPALLI

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